

Notice of Allowability

Application No.

09/835,507

Examiner

Fritz M Fleming

Applicant(s)

RITCHE, SCOTT D.

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/10/2004.
2. ☒ The allowed claim(s) is/are 1-19 and 21-27.
3. ☒ The drawings filed on 16 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Fritz M. Fleming
Fritz Fleming
Primary Patent Examiner
AU2182

Allowable Subject Matter

1. Claims 1-19 and 21-27 are allowed.
2. The following is an examiner's statement of reasons for allowance: Applicant has clearly stated on the record that in the AAPA, the restaging or redistribution is performed by operating the distribution tool at the master server (response, page 13). Obviously, applicant is the best and most authoritative source as to what the AAPA really teaches. With this in mind, a re-reading of [0004-0012], it is clear that the master server executes a distribution tool [0008], the distribution tool uses the distribution list to transmit the package to the intermediate servers [0008], a service desk or service center performs the steps necessary to redistribute the software packages [0009], and that the manual restaging requires going to the physical location of the intermediate distribution server in order to access the data in the distribution logfile [0011]. There is nothing in the AAPA that specifically teaches that the redistribution be carried out at the intermediate server itself, thus there is no factual evidence to counter applicant's statement that the redistribution is carried out at the master server. In fact, the AAPA teaches that the logfile at the server be accessed [0011], but that it is the service desk/center that performs the steps necessary for redistribution [0009], and that the distribution tool is at the master server [0008] for performing the initial distribution [0009] using the distribution list [0008]. Thus, when taken as a whole, there is no suggestion to have the intermediate server do the redistribution, and hence the argument presented regarding the automation would result in such occurring at the master server, as this is where the initial distribution was performed, using the distribution list. Thus, amended

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claim 1 distinguishes due to the amended "operating" and "initiating", original claim 10 distinguishes due to the redistribution tool causing initiation of the redistribution job via the distribution manager running on the affected intermediate distribution server, original claim 15 distinguishes due to the running the redistribution tool on the affected intermediate server to automatically generate the set of redistribution commands, amended claim 18 distinguishes due to the amended "running" and "performing". The double patenting rejection has been overcome via amendment of claim 18.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 703-308-1483. The examiner can normally be reached on M-F, 0600-1500.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fritz McFleming
Primary Examiner
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